

STAYING IN CHARGE:

Part C of IDEA Rights

When a family has a baby or toddler with special needs (or suspects their baby may have developmental delays), life may be more complicated than they expect. There is a federal law that can help, called Part C of the Individuals with Disabilities in Education Act (IDEA). Your family has the right to:

- Participate
- Have your child evaluated
- Give your consent or permission
- Receive a plan for services within 45 days of referral
- Receive prior notice of evaluations and meetings
- Understand
- Confidentiality
- Review records
- Disagree
- Early Intervention Services in Your Home and Community

Referral

Your participation in Part C is voluntary. When you have concerns about your baby's development you, or someone working with your family can refer your child to the Part C system. Your Part C rights begin as soon as you are referred to the program.

Service Coordination

The Part C program will assign a Service Coordinator to support your family as soon as possible after the time of referral. Your Service Coordinator will provide you with a written copy of the Part C Parental Rights and Procedural Safeguards during your first home visit.

Evaluation & Eligibility

When your child is referred to a Part C program you have the right to an evaluation at no cost to your family. Eligibility for Part C services is determined by a multidisciplinary evaluation team of two or more qualified professionals. Your Part C program must have your permission in writing before any screenings, evaluations, assessments, or services occur. You can decide not to give consent for any of the services, and you may refuse a service at any time.

Individual Family Services Plan

Your Service Coordinator will facilitate a meeting to develop your child's first IFSP. The meeting must be held at a time and place that is convenient for you. In addition to you, and your Service Coordinator the meeting participants will include at least one of the professionals who evaluated your child, and any family members, friends, or advocates you choose to include. This is your IFSP Team, and together the Team will determine the early intervention services best for your child and family. The services will be documented on the IFSP, and it must be developed within 45 calendar days of your child's referral to the Part C system. Your Service Coordinator is responsible to facilitate IFSP reviews with your IFSP Team at least every six months until your child turns three.

Services

Early Intervention services are provided during your family's daily activities, and in places where you typically spend your day. Services in natural environments support learning through your family's daily routines. You have the right to disagree with Part C program staff, and/or decline services. You can file a complaint with the Part C Lead Agency if you feel your rights or a rule or a regulation is being violated. You have the option to continue to receive the services on your child's IFSP during the complaint process. Declining a service does not effect any of your child's other services.

Transition

The Part C program is for children birth to three years of age. When your child is age two the transition process begins, and it will include a developmental evaluation by your local school district Child Find Team to determine if your child is eligible for Part B of IDEA services. The evaluation and the eligibility determination must be done at least three months before your child's third birthday. You, and your child's Part C early intervention providers, Service Coordinator, and the Child Find professionals will develop a Transition Plan at least three months before your child turns three to detail the activities necessary for a smooth transition.

Ways to Handle Your Concerns

Provider Level

Talk to your Service Coordinator and your early intervention provider(s).

"I have a concern about my child's early intervention services."

Local Level

Contact your local program director and ask for the person assigned to handle complaints.

"I want someone to help me resolve my concern informally."

Mediation Process

Contact the Part C Lead Agency and ask for the person at the State Level assigned to handle complaints.

"I believe a state or federal regulation or rule has been ignored or violated and I would like to enter into Mediation to solve my problem."

Complaint Process

Send your complaint in writing to the person at the State Lead Agency assigned to handle complaints.

"I believe a state or federal regulation or rule has been ignored or violated."

Administrative Hearing

Send your request in writing to the person at the State Lead Agency who schedules Administrative Hearings.

"I disagree with the IFSP Team's decision."

When you need help to Stay in Charge...

The Legal Center for
People with Disabilities
303-722-0300
tlcmail@thelegalcenter.org

Parent to Parent
of Colorado
1-877-472-7201
mail@p2p-co.org

John Miles, Division for Developmental Disabilities
303-866-7459
john.miles@state.co.us

ARC of Colorado
303-864-9334
www.thearcofco.org

Family Voices of Colorado
1-800-881-8272
www.familyvoicesco.org

PEAK Parent Center
1-800-284-0251
info@peakparent.org

You have the right to understand. You have the right to receive answers to your questions. If you are being asked to sign or agree to something be sure the information is clear. If needed, you have the right to receive translation orally, in sign language, or braille. Consent means that the parent has been fully informed in the parent's native language about the activity for which the consent is sought.

The law provides for the protection of your privacy at all times. All information related to your child and family is confidential. Your Part C Service Coordinator must get your permission to share information with other agencies or professionals

If you have a disagreement with the Part C program serving you and your child, try talking directly to the provider and Service Coordinator. If the problem is not resolved, talk to the director of the local program. If you disagree with the resolution of any decisions concerning eligibility or services, or if you have concerns about your other rights you may request that your problem be investigated by the State Part C Lead Agency. The Complaint Process includes the right to Mediation and, if needed, an Administrative Hearing. The Colorado contacts for this process are detailed on back of this brochure.

You have a right to review the information in your child's Part C records. Only Part C staff involved with you and your child can have access to this information. You may give permission for other people to see the files, and your program will keep a list of the names of who looks at your child's information. The Family Educational Rights and Privacy Act (FERPA) provides these privacy protections. You should receive copies of all evaluations, IFSP's, and progress notes generated by the Part C program.

You must receive written notice before the Part C program initiates identification, evaluation, or planning for service delivery. Your Service Coordinator will send the meeting information with reasonable notice to all IFSP Team members. Any notices sent to parents must be in the parent's native language.